

22



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/738,787  | 12/15/2000  | Roger Keith Wiles    | 40101/00401         | 4530             |
| 30636   | 7590        | 01/29/2004           | EXAMINER            |                  |
| FAY KAPLUN & MARCIN, LLP<br>150 BROADWAY, SUITE 702<br>NEW YORK, NY 10038 |             |                      | NGUYEN, VAN H       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2126                | 7                |
| DATE MAILED: 01/29/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application

09/738,787

Applicant(s)

WILES ET AL.

Examiner

VAN H NGUYEN

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12,14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12,14, and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to amendment A filed November 14, 2003. Claims 1, 4-10, 12, 14, and 16-18 remain in this application.

#### *Claim Objections*

2. Claim 6 is objected to because of the following informalities: it depends on the cancelled claim. Does applicant intend to mean – the method according to claim 4?

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-10, 12, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Whitehead et al.** (U.S. 6,085,030).

Art Unit: 2126

5. **As to claim 10**, Whitehead (col.4, lines 36-67) teaches the invention substantially as claimed including an intermediary module (*a component management service*) for a software package (*applications*) for facilitating communication among a plurality of components of a computing system (*manages and enables consumer nodes of a computer network to interact with heterogeneous software components, hardware devices, data objects and services distributed throughout the network*), comprising:

- a component module including information identifying a first one of the components (*The component server containers 460 also have additional attributes and properties to specify configuration information and persistent data for the named component server; col.13, lines 16-58*), the first one of the components including the data object (*data objects; col.4, lines 36-52*);

- a register (*a component registry 250; fig.2*) configured to register the component module (*registering and locating the software components; col.4, lines 43-67/ the requested component is registered with the component registry; col.5, lines 15-35*); and

- a dispatch component to route a request for the data object received from a second one of the components (*routing of all software component requests from consumers of the network; col.10, lines 16-58*), the dispatch component correlating the requested data object to the component module including the requested data object, the correlation including the generation of a record including at least a portion of the identifying information included in the component module (*the registered component instances are examined to determine whether they match the requested component properties; col. 5, lines 15-35/ The type objects 452 define required CMS properties of any offers of the named type... The component server containers 460 also have*

Art Unit: 2126

*additional attributes and properties to specify configuration information and persistent data for the named component server; col.13, lines 16-58).*

While teaching data objects (*data objects*; col.4, lines 36-52), Whitehead does not explicitly teach “an object handler to interact with a data object.”

Whitehead, however, teaches the global component registry offers this component to the consumer by providing an appropriate interface between the object model of the consumer and the object model of the software component (abstract and col.4, lines 52-67).

It would have been obvious to apply the teaching of Whitehead for an object handler because it would have provided the capability for ensuring proper administration, authentication and run-time binding access to components offered in response to requests from applications executing on the consumer nodes.

6. **As to claim 12**, Whitehead teaches a configuration component containing configuration parameters for the manageable entities; and a utility for generating the manageable entities using the configuration component (col.11, lines 20-32).

7. **As to claim 14**, the rejection of claim 10 above is incorporated herein in full. However, claim 14 further recites:

- a consumer component;
- a plurality of producer components; and
- upon receipt of a consumer component request, the intermediary module consults a register to identify the component module which includes the data to identify the requested data object.

Whitehead teaches:

Art Unit: 2126

- a consumer component (*consumer*; col.6, line 53-col.7, line 24);
- a plurality of producer components (*components*; col.6, line 53-col.7, line 24); and
- upon receipt of a consumer component request, the intermediary module consults a register to identify the component module which includes the data to identify the requested data object (col.5, lines 15-44 and col.10, lines 16-48).

8. **As to claim 16**, Whitehead teaches the system operates a switch (col.6, lines 26-43).

9. **As to claim 17**, Whitehead teaches the intermediary module receives a plurality of requests from the consumer component including at least one of a request to retrieve a value in the a data object from the producer component, a request to retrieve a value in a next data object of the producer component, a request to set a value in the data object of the producer component, a request to set a read-only value of the data object of the producer component and a request to store a value of the data object in a nonvolatile memory (col.7, lines 25-36 and col.12, lines 4-23).

10. **As to claim 18**, Whitehead teaches a hybrid component which, under predetermined conditions, acts as a consumer component and which otherwise acts as a producer component (fig.2).

11. **As to claim 1**, the rejection of claim 10 above is incorporated herein in full. However, claim 1 further recites creating a producer component including a data object and fulfilling the request by providing the requested data object to the first component.

Whitehead teaches creating a producer component including a data object and fulfilling the request by providing the requested data object to the first component (*a component server*

Art Unit: 2126

*node configured to provide services in response to requests from applications executing on client, i.e., consumer, nodes of the network; col. 7, line 55-col.8, line 14).*

12. **Claim 4** includes the same subject matter as in claim 18, and is similarly rejected under the same rationale.

13. **As to claim 5**, Whitehead teaches all of the components reside on a single processor (col.6, lines 26-44).

14. **Claim 6** includes the same subject matter as in claim 17, and is similarly rejected under the same rationale.

15. **As to claim 7**, Whitehead teaches the intermediary module performs the correlating step using one of a hash table, a database application and a binary tree (col.14, lines 8-16).

16. **Claim 8** includes the same subject matter as in claim 16, and is similarly rejected under the same rationale.

17. **As to claim 9**, Whitehead teaches deleting from the register reference to a deleted component which has been decoupled from the intermediary module (col.14, lines 8-29).

### ***Response to Arguments***

18. Applicant's arguments filed on November 14, 2003 have been fully considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

19. In the remarks, Applicant argued in substance that the Whitehead reference does not teach nor disclose the creation of a component module which contains information identifying a

Art Unit: 2126

data object, the creation of a module which contains an object handler to interact with a data object or the registering of such a component module with the intermediary module.

20. Examiner respectfully traverses Applicant's remarks:

Applicant is arguing about the limitations that were not previously claimed. The Examiner, however, believes that the newly amended features of claims 1, 10, and 14 are met by the teachings of the Whitehead reference as shown through the mapping provided in the claim rejections.

Accordingly, Whitehead meets the limitations as amended by Applicant.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(x).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(x).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,



Art Unit: 2126

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

**Any response to this action should be mailed to:**

**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

**or fax to:**

(703) 746-7239 (for formal communications intended for entry)  
(703) 746-7238 (for After Final communications)  
(703) 746-7240 (for informal or draft communications)

VHN  
January 23, 2003

  
**MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**